

2015/11/04 08:17:15 2 /11

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)

MORRIS AND ERICA BROWN,)

Plaintiffs,)

vs.)

WALGREENS, Co.)

Defendants.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

SUMMONS

C.A. No.: 2015-CP-42-4515

JURY TRIAL DEMANDED

2015 NOV -3 PM 12:00
 HOFFER, J. CONLEY

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer and/or otherwise plead to the Complaint in this action, a copy of which is attached hereto and herewith served upon you; and to serve a copy of your Reply upon the subscriber at 108 Mills Avenue, Greenville, SC 29605 within thirty (30) days after the service hereof, exclusive of the day of such service.

If you fail to answer the Complaint within this thirty (30) day period, the Plaintiffs will apply to the Court for the relief demanded in the Complaint and judgment will be taken against you by default. In the event that you are over fourteen (14) years of age or an imprisoned person, you are further summoned and noticed to apply for a Guardian *ad Litem* to represent you in this action within thirty (30) days, after the service of this Summons and Notice upon you. If you fail to do so, application for such appointment can be made by the Plaintiff herein.

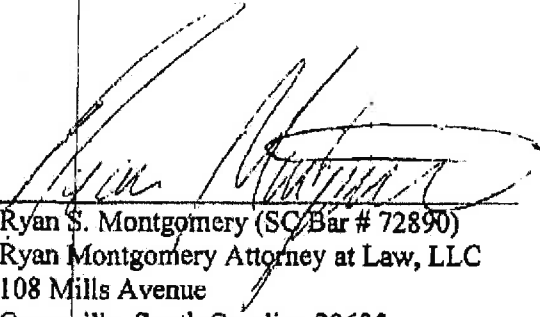
In the event that you are an infant under fourteen (14) years of age or incompetent or insane, the you and the Guardian or Committee are further summoned and notified to apply for an appointment of a Guardian *ad Litem* to represent said infant under fourteen (14) years of age or said incompetent or said insane person within thirty (30) days after the service of Summons



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and Notice upon you. If you fail to do so, application for such appointment will be made by the Plaintiff herein.



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Attorney for Plaintiff

Greenville, South Carolina
November 2, 2015

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STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)

MORRIS AND ERICA BROWN,)

Plaintiffs,)

vs.)

WALGREENS, Co.)

Defendants.)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

2015-CP-42- 4515
COMPLAINT

C.A. No.: 2015-_____

JURY TRIAL DEMANDED

The Plaintiffs, complaining of the Defendant above named, would respectfully allege and show unto this Honorable Court as follows:

FACTS COMMON TO ALL COUNTS

1. The Plaintiffs are residents of Cowpens, Spartanburg County, South Carolina.
2. The Plaintiffs are informed and believes that Defendant, Walgreens, is a Corporation permitted to do business at 1790 E Main Street in Spartanburg, SC 29307 with its principal place of business located 200 Wilmot Rd., Deerfield, IL 60015.
3. Pursuant to the South Carolina Long-Arm Statute, S.C. Code Ann. § 36-2-803 this court would have jurisdiction over defendant Walgreens as it regularly conducts business in the State of South Carolina and specifically at 1790 East Main Street in Spartanburg, South Carolina 29307.
4. On or about November 3, 2012, the plaintiff, Erica Brown, was a business invitee at the Walgreens location at 1790 East Main Street in Spartanburg, South Carolina;

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FOR A FIRST CAUSE OF ACTION

(Negligence)

The plaintiffs incorporate paragraphs 1-4 verbatim as if stated fully herein.

5. The plaintiff, Erica Brown, was a business invitee to the premises located at 1790 E Main St, Spartanburg, SC 29307.

6. That on November 3, 2012 plaintiff, Erica Brown, was shopping at Walgreens on an aisle with an unattended stock cart;

7. The plaintiff, Erica Brown, was bent over shopping on a lower shelf and as she stood up she fell backwards over the unattended cart;

8. Said product cart was left unattended in an aisle and in a location where shoppers and business invitees were subjected to a fall hazard and heavy drinking water which was not secured on the cart;

9. Defendant Walgreens had a duty of care not to leave product or carts unattended in common shopping areas;

10. Defendant Walgreens had a duty to properly load and secure all stock on these carts such that the product did not pose a hazard to business invitees.

11. Walgreens did violate and breach this duty owed to its business invitees and specifically the plaintiff;

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12. As a direct and proximate result of this breach, plaintiff, Erica Brown, has sustained the following damages:

- a. Future medical expenses which are reasonably certain to occur;
- b. Past and present physical pain and suffering;
- c. Future physical pain and suffering as is reasonably certain will result;
- d. Past and present emotional and mental pain and suffering;
- e. Future emotional and mental pain and suffering as is reasonably certain to result;
- f. Permanent impairment and disability;
- g. Loss of earnings and ability to engage in gainful employment;
- h. Loss of enjoyment of life; and,
- i. wage loss.

FOR A SECOND CAUSE OF ACTION

(Premise Liability)

The Plaintiffs hereby incorporate paragraphs 1-12 verbatim as if stated herein.

14. The plaintiff, Erica Brown, was a business invitee to the premises located at 1700 E Main St, Spartanburg, SC 29307.

15. That on November 3, 2012 plaintiff, Erica Brown, was shopping at Walgreens on an aisle with an unattended stock cart;

16. The plaintiff, Erica Brown, was bent over shopping on a lower shelf and as she stood up she fell backwards over the unattended cart;

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17. Said product cart was left unattended in an aisle and in a location where shoppers and business invitees were subjected to a fall hazard and heavy drinking water which was not secured on the cart;

18. Defendant Walgreens had a duty of care not to leave product or carts unattended in common shopping areas;

19. Defendant Walgreens had a duty of care to warn and/or mark all known hazards which it did not;

20. Defendant Walgreens had a duty to properly load and secure all stock on these carts such that the product did not pose a hazard to business invitees and the plaintiff.

21. Walgreens did violate and breach this duty owed to its business invitees and specifically the plaintiff;

22. As a direct and proximate result of this breach, plaintiff, Erica Brown, has sustained the following damages:

- a. Future medical expenses which are reasonably certain to occur;
- b. Past and present physical pain and suffering;
- c. Future physical pain and suffering as is reasonably certain will result;
- d. Past and present emotional and mental pain and suffering;
- e. Future emotional and mental pain and suffering as is reasonably certain to result;
- f. Permanent impairment and disability;
- g. Loss of earnings and ability to engage in gainful employment;

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- h. Loss of enjoyment of life; and
- i. wage loss.

FOR A THIRD CAUSE OF ACTION

(Loss of Consortium)

The Plaintiffs hereby incorporate paragraphs 1-22 verbatim as if stated herein.

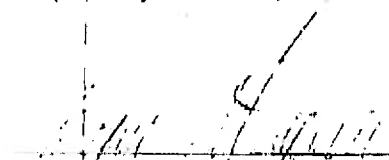
23. As a direct and proximate result of the injuries sustained to Mrs. Brown, Mr. Morris Brown has also been injured in that the nature and extent of the Mrs. Brown's injuries do hereby negatively impact the marital union of the plaintiffs.

WHEREFORE, the Plaintiff prays that they be granted judgment against the Defendants for actual and punitive damages in an amount to be determined by the jury, for the costs of this action, and for any such other and further relief as this Court shall deem just and proper.

JURY TRIAL DEMAND

The plaintiff hereby requests a trial by Jury as to all issues herein.

Respectfully submitted,



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RYAN S. MONTGOMERY

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Greenville, South Carolina

November 2, 2015.

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U.S. DISTRICT COURT
DISTRICT OF SOUTH CAROLINA